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# Spy Recants a Confession; Calls F.B.I. Agent Innocent

By JUDITH CUMMINGS

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LOS ANGELES, April 25 — In an emotional statement read today by a Federal district judge, Svetlana Ogorodnikov asserted that Richard W. Miller was not guilty of spying and that her own guilty plea last year was a sham.

Mr. Miller, a former agent of the Federal Bureau of Investigation, is being tried for the second time on charges of passing secret bureau documents to the Soviet Union through Mrs. Ogorodnikov, a Russian émigré.

"Richard Miller is not a traitor of his country," Mrs. Ogorodnikov said in the statement read by Judge David V. Kenyon. The statement was taken in an unusual session Thursday in the privacy of the judge's chambers.

"I am not Russian spy," Mrs. Ogorodnikov said. "I was helping Government. This is true, your honor. We are not guilty in this crime."

Later today, Judge Kenyon angrily asserted that one of Mr. Miller's lawyers, Stanley Greenberg, had committed "a deliberate attempt to obstruct justice" and "gross misconduct" by trying to influence the selection of a new lawyer for Mrs. Ogorodnikov. Judge Kenyon said he was considering citing Mr. Greenberg for contempt of court. The judge had said Mrs. Ogorodnikov might need a new lawyer to protect her interests.

Judge Kenyon called Mr. Greenberg's actions "such a gross offense" that the maximum fine of \$500 "would not suffice."

"The only alternative is a jail sentence," Judge Kenyon said. "If that should happen, Mr. Greenberg should have a full opportunity to defend himself."

The judge set the contempt issue aside to proceed with Mr. Miller's trial.

## Long Halts in Trial

The trial was halted for nearly four hours today after a halt of a similar span Thursday when Mrs. Ogorodnikov gave her statement to the judge in the presence of all the attorneys in the case, as well as the two lawyers who represented her at her trial. She and her husband, Nikolay, interrupted their trial to plead guilty.

According to sources close to the case, Mrs. Ogorodnikov's statement of innocence, in apparent contradiction of her guilty plea last June, caused what seemed like a conflict of interest for her lawyers, Brad D. Brian and Gregory Stone, who had helped her work out a plea bargain with the Government. Under the terms of the plea bargain, she received an 18-year prison sentence. Her husband received eight years.

Mrs. Ogorodnikov brought Mr. Miller's trial to a halt Thursday when she informed Judge Kenyon that she wished to talk to him away from the jury. Mrs. Ogorodnikov had started her testimony on Tuesday as the first defense witness in Mr. Miller's two-month-long trial.

Mrs. Ogorodnikov said she had decided to make her statement after seeing the face of one of Mr. Miller's eight children, a teen-age son, who was in the courtroom while she testified Tuesday.

The Government contends that Mrs. Ogorodnikov, 35 years old, aided by her husband, collaborated with Mr. Miller in 1984 to pass the secret documents on United States counterintelligence to the Soviet Union. The Government said Mr. Miller had been promised \$85,000 in gold and cash.

Mr. Miller contends that he passed no documents and was actually trying to use the Ogorodnikovs to infiltrate the K.G.B., the Soviet intelligence agency. His first trial ended with the jury deadlocked and with most of the jurors voting for conviction.

Mr. Miller, 49, who was dismissed from the bureau after a 20-year career before being arrested, and Mrs. Ogorodnikov have said they had a sexual relationship.

Despite her guilty plea, Mr. Miller's lawyers are trying to prove his innocence with Mrs. Ogorodnikov's testimony.

## She Alludes to Coercion

Mrs. Ogorodnikov's statement frequently alluded to coercion by sources she did not name and stated her fear that as a Russian, no American jury would believe her innocence.

Mrs. Ogorodnikov said in the statement read by Judge Kenyon: "When I was arrested, I couldn't understand what was going on. They told me that I was Russian. That they will give me the life sentence. I understood that, too, that nobody maybe would not believe me. They told me that maybe the judge would give me 40 years sentence but he's a very nice man. But the Government will tell him and he'll anyway give me 40 years."

"My life is finished. If I come back to the Soviet Union they will kill me. I am living now just to help my son a little bit to grow up."

The Ogorodnikovs have a 14-year-old son, Mathew.

Mrs. Ogorodnikov suggested, as she has in her testimony, that she and Mr. Miller felt they had stumbled into in a deadly competition between Soviet and United States intelligence agencies.

"F.B.I. had a plan," she said, that involved superiors of Mr. Miller. She named Richard T. Bretzing, the top official in the bureau's Los Angeles office; P. Bryce Christensen, head of counterintelligence in the Los Angeles office, and John E. Hunt, another bureau agent who she has testified had tried unsuccessfully to make her a bureau informer in 1982.

Mr. Miller's lawyers have maintained in his defense that Mr. Miller was was clumsy in his efforts to infiltrate the K.G.B. and that in his dealings with Mrs. Ogorodnikov, professionally and socially, he had done nothing more irregular than Mr. Hunt had done in 1982.

Mr. Hunt, who is now retired from the bureau, also has testified at Mrs. Ogorodnikov's trial that he had been in charge of drafting a new counterintelligence plan for his unit in part of the period in 1982 and 1983 when he had most of his dealings with her.